

Notice of Allowability

Application No.

10/023,396

Examiner

sang nguyen

Applicant(s)

GOETZ, ALEXANDER

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/26/04.
2. ☒ The allowed claim(s) is/are 17-20 and 25-34 which have been renumbered as indicate claims 1-14.
3. ☒ The drawings filed on 20 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

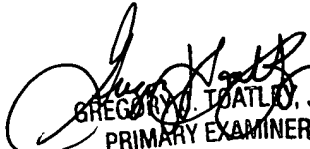
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 08/25/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


GREGORY J. TATLEY, JR.
PRIMARY EXAMINER 9752877

DETAILED ACTION***Response to Amendment***

Applicant's response to amendment filed on 06/26/04 have been entered. It is noted that the present application contains claims 17-20 and 27-34 and claims 1-16 and 21-24 have been canceled by amendment filed on 06/26/04.

Allowable Subject Matter

Claims 17-20 and 25-34 are allowed.

As to independent claim 17, the prior art of record, taken alone or in combination, fails discloses or render obvious a push-broom scanning spectrometer comprising all the specific elements with the specific combination including of an imager adapted to simultaneously acquire a line of image pixels from a moving package, wherein the image pixel line comprises a plurality of contiguous spectral bands, wherein the image pixel line is oriented perpendicular to the direction of motion of the package, wherein the package includes a plurality of items, and a processor capable of being programmed to compare the line of image pixels with a references signal and to determined the location of the plurality of items within the package based on the comparison of the line image pixels to the reference signal in combination with the rest of the limitation of claim 17.

As to independent claims 27, and 29, the prior art of record, taken alone or in combination, fails discloses or render obvious a method and a push-broom scanning spectrometer for determining the location of a plurality of items within a package comprising all the specific elements with the specific combination including of an imager

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adapted to simultaneously acquire a line of image pixels from a moving package,
wherein the image pixel line comprises a plurality of contiguous spectral bands, wherein
the image pixel line is oriented perpendicular to the direction of motion of the package,
wherein the package includes a plurality of items having a chemical composition, and
wherein the plurality of contiguous spectral bands corresponds to the chemical
composition of the plurality of items in combination with the rest of the limitation of
claims 27 and 29.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Sang Nguyen whose telephone number (571)-272-2425. The Examiner can normally be reached on Monday through Friday From 9:30 AM to 6:30 PM.

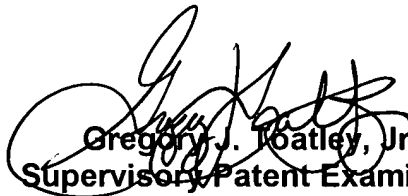
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Gregory J. Toatley, Jr., can be reached on (571) 272-2800 ext. 77. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen/sn

September 15, 2004



Gregory J. Toatley, Jr.
Supervisory Patent Examiner
Art Unit 2877
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